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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/051,313	04/23/1993	YASUHIKO TAKEMURA	0756-864	5353
31780	7590	02/09/2006	EXAMINER	
ERIC ROBINSON PMB 955 21010 SOUTHBANK ST. POTOMAC FALLS, VA 20165			DUONG, TAI V	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/051,313

Applicant(s)

TAKEMURA, YASUHIKO

Examiner

Tai Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8,21,22 and 25-49 is/are pending in the application.
- 4a) Of the above claim(s) 6-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,21,22 and 25-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/17/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Since the fee set forth in 37 CFR 1.17(r) for a first submission subsequent to a final rejection has been previously paid, applicant, under 37 CFR 1.129(a), is entitled to have a second submission entered and considered on the merits if, prior to abandonment, the second submission and the fee set forth in 37 CFR 1.17(r) are filed prior to the filing of an appeal brief under 37 CFR 41.37. Upon the timely filing of a second submission and the appropriate fee of \$790 for a large entity under 37 CFR 1.17(r), the finality of the previous Office action will be withdrawn. If a notice of appeal and the appeal fee set forth in 37 CFR 41.20(b) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant will be construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). In view of 35 U.S.C. 132, no amendment considered as a result of payment of the fee set forth in 37 CFR 1.17(r) may introduce new matter into the disclosure of the application.

Since this application is eligible for the transitional procedure of 37 CFR 1.129(a), and the fee set forth in 37 CFR 1.17(r) has been timely paid, the finality of the previous Office action is hereby withdrawn pursuant to 37 CFR 1.129(a). Applicant's second submission after final filed on 11/17/05 has been entered.

Claims 6-8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory

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obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-3, 21, 22, 28, 29, 31, 39, 40 and 42 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 6, 9, 12 and 16 of U.S. Patent No. 6,693,681. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims are broader in scope than that of the patent claims. All of the features of the instant claims are disclosed by the patent claims and are anticipated by the patent claims. Thus, it would have been obvious to a person of ordinary skill in the art to delete the details of the active matrix of the patent claims for broadening the scope of the patent claims thereby resulting in the instant claims.

Claims 30, 32-34, 41 and 43-45 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 3, 5, 6, 8, 9, 11, 12, 15, 16 and 18 of U.S. Patent No. 6,693,681 in view of Tsukada et al (US 4,955,697) of record. The only difference between the instant claims and the patent claims is the

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transparent pixel electrode comprising indium tin oxide (ITO). Tsukada et al disclose that it was known in the art to employ transparent pixel electrodes comprising indium tin oxide (col. 9, lines 12-15). Thus, it would have been obvious to a person of ordinary skill in the art to employ transparent pixel electrodes comprising indium tin oxide in the patent for obtaining pixel electrodes with sufficient conductivity and good transparency.

Claims 25-34 and 39-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP No. 1-156725 (JP'725) of record in view of Tsukada et al (US 4,955,697).

Amended claim 25 deletes the features "a first means, a second means" and adds the feature "wherein said thin film transistor comprises a channel forming region comprising amorphous silicon". The JP'725 discloses in Figs. 1 and 5 a device similar to that of the instant claims except for the JP'725 is silent about a first signal to the gate line and a second signal having an opposite polarity to the first signal being applied to the wiring signal (the upper adjacent scan or gate line in Fig. 1 of JP'725), and a channel forming region comprising amorphous silicon. See discussions of JP'725 in the previous Office actions. Tsukada et al disclose in Figs. 1, 2 and 5 first and second means 62 for applying a first signal to the gate line and the second means for applying a second signal to the wiring wherein the second signal has an opposite polarity to the first signal, the same magnitude of voltage as the first signal, and the second signal is synchronized with the first signal (Fig. 2) for reducing noise on the displayed image (col. 4, line 63 – col. 5, line 9; col. 6, lines 6-21). In addition, Tsukada et al disclose that it

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was known to employ a channel forming region comprising amorphous silicon and transparent pixel electrodes comprising indium tin oxide (col. 6, lines 49-64; col. 9, lines 12-15). Thus, it would have been obvious to a person of ordinary skill in the art to apply a first signal to the gate line and the second means for applying a second signal to the wiring in the device of JP'725 for reducing noise on the displayed image, as disclosed by Tsukada et al. Also, it would have been obvious to a person of ordinary skill in the art to employ a channel forming region comprising amorphous silicon because of large area fabrication capability of TFT arrays, as compared with polysilicon TFT arrays. Lastly, it would have been obvious to a person of ordinary skill in the art to employ transparent pixel electrodes comprising indium tin oxide in the patent for obtaining pixel electrodes with sufficient conductivity and good transparency.

With respect to Applicant's remarks regarding the combination of JP'725 and Tsukada et al, the motivation for the combination is to reduce noise on the displayed image.

Claims 35-38 and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Prior Art Fig. 2B (APA) in view of Tsukada et al (US 4,955,697).

The only differences between APA Fig. 2B and that of the instant claims are a channel forming region comprising amorphous silicon and transparent pixel electrodes comprising indium tin oxide. Claims 35-38 and 46-49 would have been obvious for the same reasons set forth in the above rejections.


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Any inquiry concerning this communication should be directed to Tai Duong at telephone number (571) 272-2291.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

TD
TVD

02/06


TOANTON
PRIMARY EXAMINER